

2003 DRAFTING REQUEST

Bill

Received: **03/17/2003**

Received By: **dkennedy**

Wanted: **As time permits**

Identical to LRB:

For: **Carol Roessler (608) 266-5300**

By/Representing: **Sara Jermstad (aide)**

This file may be shown to any legislator: **NO**

Drafter: **dkennedy**

May Contact:

Addl. Drafters:

Subject: **Health - miscellaneous**

Extra Copies: **RLR**

Submit via email: **YES**

Requester's email: **Sen.Roessler@legis.state.wi.us**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Determinations of anticipated deaths by hospice nurses

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?							
/1	dkennedy 04/28/2003	jdyer 04/29/2003	jfrantze 04/29/2003	_____	mbarman 04/29/2003		
		jdyer 04/29/2003		_____			
/2	dkennedy	jdyer	pgreensl	_____	lemery	mbarman	

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
	05/20/2003	05/21/2003	05/21/2003	_____	05/21/2003	05/21/2003	

FE Sent For:

*None
needed*

<END>

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		jdyer 04/29/2003 12/21 JLD		_____ 5/21 P81RS			

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1?	dkennedy	1/4/29 jw	7/6/29	3ellb 4/29			

FE Sent For:

<END>

Kennedy, Debora

From: Jermstad, Sara
Sent: Friday, March 14, 2003 11:24 AM
To: Kennedy, Debora
Subject: Legislation request

Debora,

I will be sending over information on a bill Senator Roessler would like drafted. The bill would allow hospice nurses to declare the time of death of a patient who is under the care of a physician at the time of death and who's death is anticipated.

The information will consist of a letter from HOPE Wisconsin explaining their request and a sample draft they thought could be used as language.

Please let me know if you have any questions.

Thank you!
Sara

Sara Jermstad
Office of Senator Carol Roessler
Sara.Jermstad@legis.state.wi.us
(608)266-5300 / 888-736-8720

THE HOPE OF WISCONSIN

Hospice Organization and Palliative Experts/PO Box 259808, Madison, WI 53725

Phone: 608-233-7166

Fax: 608-233-7169

E-mail: MELR217@aol.com

3240 University Avenue, Suite 2

www.wisconsinhospice.org

Madison, WI 53705

March 10, 2003

Senator Carol Roessler

P.O. Box 7882

Madison, WI 53707

Dear Senator Roessler:

Thank you very much for your acceptance of our invitation to speak at our Legislative Day on April 22, 2003 at the Inn On The Park. We look forward to having you with us. As I mentioned in my previous letter there is a piece of legislation that we would like introduced in this session. We previously approached Senator Robson last year but things got so derailed with the budget issues that it wasn't possible to go forward although she was very supportive of this proposal. I also have an appointment with Representative Underheim's staff to discuss this matter.

As you probably know last year about 13,000 Wisconsin residents died while receiving hospice care, the great majority in their homes. Presently, when a hospice patient dies at home the hospice nurse is called and immediately goes to the home. After s/he determines the person has died s/he then must call the physician to ask him/her to pronounce the death. This can take anywhere from several minutes to hours depending on the time of day or night. In the meantime nothing can be done: the body can not be removed, the family can not use its phone to begin making needed calls etc. When the physician returns the call the nurse advises him/her that the patient appears to be dead as evidenced by no breath sounds, no heart tones, no blood pressure and no respiratory effort. Then the physician agrees the person has died. The physician then certifies the death at the time s/he pronounces it. In some instances this has been several hours after the occurrence and, on occasion, even a different day if this happens around midnight. This time/date difference can be very upsetting to a family as you can imagine.

We are simply asking that registered nurses employed by a licensed hospice be able to pronounce death in the case of an anticipated death. The certification of death still rests with the physician. If the death was not anticipated the coroner would be called as an investigation would be warranted.

Roessler
Page 2

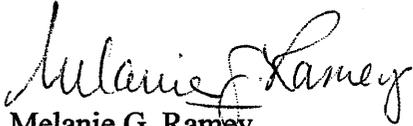
About twenty states currently allow nurses to pronounce death in these or similar situations. Our neighbor, Iowa, passed similar legislation in 2001.

We have the support of the State of Wisconsin Board of Nursing and the State Medical Society of Wisconsin in this initiative.

Enclosed with this letter is a draft of our proposed language for this bill.

We appreciate your attention to this matter and stand ready to assist you in anyway to further this needed legislation to lessen to some degree the suffering that is experienced by families at the time of death of a loved one.

Sincerely,


Melanie G. Ramey
Executive Director

MGR/hs

Enclosure

An Act to amend 979.01 and to create (renumbering? Reenactment?) relating to: pronouncement of death by a registered nurse employed by a licensed hospice in anticipated deaths.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

A person shall be medically and legally dead if:

In the opinion of a registered nurse employed in the State of Wisconsin by a licensed hospice as defined in HSS 131 and directly involved in the care of a patient, death has occurred and the following criteria are satisfied: (i) the patient is under the care of a physician when his death occurs; (ii) the patient's death is anticipated. The nurse shall have the authority to pronounce death in accordance with acceptable medical standards. However, if the circumstances of the death are not anticipated or the death requires an investigation by a coroner, the nurse shall notify the county coroner of the death and the body shall not be released to the funeral director.

This (?subdivision) shall not authorize a nurse to pronounce the cause of death or to certify the death. Determination of cause of death and certification shall continue to be the responsibility of the attending physician. This subdivision shall not relieve any registered nurse employed by a hospice from any civil or criminal liability that might otherwise be incurred for failure to follow statutes or Board of Nursing regulations.

Issues to discuss w/ Melanie Ramey:

① 979.01 not particularly relevant, though could add hospices to 979.01 (1)(intro.)

② 69.18 (1)(c), (d) - State def. of "hospice"

③ 69.18 (2)(b) + (c)

Does she want (c) (written approval from physician)? (probably not)

④ How would her proposal work? (when wd. phys. certify death?) Does she want ability to release the body?

She wants h. nurse to ascertain time of death + call dr. next day. Also wants hosp. nurse to be able to release body to funeral director

They can do that under
69.18 (1)(c)



State of Wisconsin
2003 - 2004 LEGISLATURE

LRB-2325/1

DAK: a:...

Jld

2003 BILL

Gen

1 AN ACT ...; relating to: authorizing a hospice nurse to make a pronouncement
2 of death.

Analysis by the Legislative Reference Bureau

Under current law, a hospital, nursing home, or hospice that is the place of death of an individual may prepare a certificate of death for the individual and give it to the funeral director or other person who is authorized to move the corpse for final disposition. The physician of the deceased individual or, in certain circumstances, the coroner or medical examiner, must, within ~~5~~ days after the pronouncement of death, complete and sign a medical certificate for the death and mail the certificate or, within ~~5~~ days after the pronouncement of death, present the certificate to the funeral director or other person, who must file the certificate with the local registrar.

SIX

five

This bill authorizes a hospice nurse (a registered nurse who is employed by or under contract with a hospice) who is directly involved with the care of a hospice patient to pronounce the date, time, and place of the patient's death, if the patient was generally under the care of a physician at the time of death and the death was anticipated.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

3 SECTION 1. 69.01 (6g) of the statutes is amended to read:

BILL

1 69.01 (6g) "Date of death" means the date that a person is pronounced dead by
2 a physician, coroner, deputy coroner, medical examiner, ~~or~~ deputy medical examiner,
3 or hospice nurse.[✓]

History: 1985 a. 315; 1985 a. 332 s. 253; 1991 a. 39; 1993 a. ~~27~~[✓]; 1995 a. 27 s. 9126 (19); 2001 a. 16.

4 **SECTION 2.** 69.01 (12g) of the statutes is created to read:

5 69.01 (12g) "Hospice" has the meaning given in s. ~~50~~⁵⁰.90 (1).

6 **SECTION 3.** 69.01 (12m)[✓] of the statutes is created to read:

7 69.01 (12m) "Hospice nurse"[✓] means a registered nurse, as defined in s. 146.40
8 (1) (f),[✓] who is employed by or under contract to a hospice.

9 **SECTION 4.** 69.18 (1) (c)[✓] of the statutes is amended to read:

10 69.18 (1) (c) A hospital, a nursing home, as defined in s. 50.01 (3), or a hospice,
11 ~~as defined in s. 50.90 (1), which~~ [✓] that is the place of death of a person may prepare a
12 certificate of death for the person and give the certificate to the person who moves
13 the corpse under par. (a).

History: 1985 a. 315; 1985 a. 332 s. 253; 1989 a. 307; 1993 a. 386,[✓] 1995 a. 357; 1997 a. 114; 2001 a. 16.

14 **SECTION 5.** 69.18 (1) (cm) of the statutes is created to read:

15 69.18 (1) (cm) 1. For purposes of preparation of the certificate of death and in
16 accordance with[✓] accepted medical standards, a hospice nurse[✓] who is directly
17 involved with the care of a hospice patient who dies may pronounce the date, time,
18 and place of the patient's death if all of the following apply:

19 a. The patient was generally under the care of a physician at the time of death.

20 b. The death was anticipated.

21 2. Subd. 1.[✓] may not be construed to authorize a hospice nurse to certify under
22 sub. (2) (b)[✓] the cause of the patient's death.

23 **SECTION 6.** 69.18 (1) (d)[✓] of the statutes is amended to read:

BILL

1 69.18 (1) (d) A hospital, nursing home, or hospice, [✓]as defined in s. 50.90 (1) (c),
2 may not release a corpse to any person under par. (a) unless the person presents a
3 notice of removal on a form prescribed by the state registrar, in duplicate, to the
4 administrator of the hospital, nursing home, or hospice. The administrator shall
5 retain one copy and forward the other copy to the local registrar of the registration
6 district in which the hospital, nursing home, or hospice is located.

7 **History:** 1985 a. 315; 1985 a. 332 s. 253; 1989 a. 307; 1993 a. 386; 1995 a. 357; 1997 a. 114; 2001 a. 16.

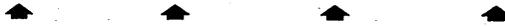
(END)



State of Wisconsin
LEGISLATIVE REFERENCE BUREAU

RESEARCH APPENDIX -
PLEASE DO NOT REMOVE FROM DRAFTING FILE

Date Added To File: 05/09/2003 (Per: DAK)



☞ The drafting file for 2003 LRB -2325/1

has been copied/added to the drafting file for

2003 LRB -2680

☞ The attached 2003 draft was incorporated into the new 2003 draft listed above. For research purposes, this cover sheet and the attached drafting file were copied on yellow paper (darkened - auto centered - reduced to 90%), and added, as a appendix, to the new 2003 drafting file. If introduced this section will be scanned and added, as a separate appendix, to the electronic drafting file folder.

☞ This cover sheet was added to rear of the original 2003 drafting file. The drafting file was then returned, intact, to its folder and filed.

TELEPHONE DRAFTING INSTRUCTIONS

Drafting instructions received by Debora Kennedy.

DATE: 05/20/03

CONVERSATION
WITH: Amy Jerdee

OF: Reinhart, Boerner

TELEPHONE NO:

REGARDING LRB #
OR DRAFT TOPIC: -2325/1

INSTRUCTIONS:

p. 2, l. 17 - delete "who" +
sub " in a hospice that "

5/20/03 Confirmed by Melanie Ramee +
by Sara from Ressler's office



2003 BILL

Regen

in a hospice
that is

1 AN ACT *to amend* 69.01 (6g), 69.18 (1) (c) and 69.18 (1) (d); and *to create* 69.01
2 (12g), 69.01 (12m) and 69.18 (1) (cm) of the statutes; **relating to:** authorizing
3 a hospice nurse to make a pronouncement of death.

Analysis by the Legislative Reference Bureau

Under current law, a hospital, nursing home, or hospice that is the place of death of an individual may prepare a certificate of death for the individual and give it to the funeral director or other person who is authorized to move the corpse for final disposition. The physician of the deceased individual or, in certain circumstances, the coroner or medical examiner, must, within five days after the pronouncement of death, complete and sign a medical certificate for the death and mail the certificate or, within six days after the pronouncement of death, present the certificate to the funeral director or other person, who must file the certificate with the local registrar.

* This bill authorizes a hospice nurse (a registered nurse who is employed by or under contract with a hospice) ~~who is~~ directly involved with the care of a hospice patient to pronounce the date, time, and place of the patient's death, if the patient was generally under the care of a physician at the time of death and the death was anticipated.

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23 sub. (2) (b) the cause of the patient's death.

24 SECTION 6. 69.18 (1) (d) of the statutes is amended to read:

in a hospice
that

Barman, Mike

From: Jermstad, Sara
Sent: Wednesday, May 21, 2003 12:07 PM
To: LRB.Legal
Subject: Draft review: LRB 03-2325/2 Topic: Determinations of anticipated deaths by hospice nurses

It has been requested by <Jermstad, Sara> that the following draft be jacketed for the SENATE:

Draft review: LRB 03-2325/2 Topic: Determinations of anticipated deaths by hospice nurses